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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,149	03/16/2001	Makoto Ikeda	12052.41US01	5803
23552	7590	03/23/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			WORKU, NEGUSSIE	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/811,149

Applicant(s)

IKEDA, MAKOTO

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb 06, 2006 has been entered.
2. Applicant's arguments with respect to claim 5 has been considered but are not persuasive, and the prior art used in the previous Office action still read on the claimed limitation, and therefore, the Office action has been maintained a response to applicant's arguments is discussed in the page 4 of this Office action.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects

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for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Voser et al. (USP 6,172,745).

With respect to claim 5, Voser et al. discloses a line illuminating device (light source 8 and 10 of fig 1) having a pair of light guides (light guide 16 and 18 of fig 1) arranged to guide light from a light source incident from an end surface in the longitudinal direction (light guide 16 and 18 are arranged to direct the light to direction where the surface of the object is positioned), and to scatter the incident light at light scattering patterns formed intermittently over the longitudinal direction so as to irradiate the same area of a document reading plane, see (col.5, lines 5-10) characterized in that these light guides (16 and 18 are arranged in a way the light can be diverted to the surface of the document for a uniform illumination), are alternately arranged so that the light-scattering patterns (light guide scattering patterns is defined by 9 of fig 2, as light scattering patterns) formed on one light guide compensate for the shortage of light-scattering patterns formed on the other light guide (light guide 16 or 18 of fig 1).

#### ***Allowable Subject Matter***

5. Claims 1-4, 9 and 10 are allowed. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-4, 9 and 10 have been allowed for the reason the prior art searched and of record neither anticipated nor suggest the claimed limitation, as discussed in applicant's response page 5 through 7.

***Claims Objected to having Allowable subject Matter***

6. Claims 6, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 6, 7 and 8 have been objected to having Allowable subject matter for the reason the prior art searched and of record neither anticipated nor suggest the claimed limitation.

***Response to the Arguments***

8. Applicant's arguments filed Feb 06, 2006, with respect to claim 5 have been reviewed and respectfully considered, but are not persuasive. Examiner still believes that the prior art still read on the claimed limitation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, as indicted in page 5 of applicant's response, it is noted that the features upon which applicant relies (i.e., light scattering patterns are as printed or laminated patterns disposed upon a light guide) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, and the prior art used in the previous Office action still read on the claimed limitation as shown above.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 305-5441.

The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Negussie Worku  
03/09/06

**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**  
